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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,716

11/04/2003

Patrick Smith

16056RR

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10/05/2007

DOCKET CLERK  
P.O. DRAWER 800889  
DALLAS, TX 75380

EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

10/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/701,716

Applicant(s)

SMITH, PATRICK

Examiner

Quynh H. Nguyen

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/4/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 ,11, 16, and 21-23, are rejected under 35 U.S.C. 102(b) as being anticipated by Goldstein et al. (U.S. Patent 7,042,999).

As to claims 1 and 21, Goldstein et al. teaches a method of routing (col. 3, lines 41-45) comprising the steps of:

receiving call information associated with a ported number in a circuit switch device (col. 2, lines 46-50; col. 3, lines 1-10; col. 4, lines 57-61);

performing a query in response to receiving the call information (col. 3, lines 5-10);

receiving a routing number in response to performing a query (col. 3, lines 10-11); and

switching a call to a packet switch device in response to receiving the routing number (col. 4, lines 38-41; col. 5, lines 5-16).

As to claim 2, Goldstein et al. teaches the call information represents a dialed number (col. 3, lines 5-13).

As to claim 3, Goldstein et al. teaches the query is performed on a SCP database (col. 5, line 67 through col. 6, line 7).

As to claim 4, Goldstein et al. teaches the routing number is a location routing number (col. 3, lines 5-13).

Claims 11 and 22 are rejected for the same reasons as discussed above with respect to claims 1, 2, and 4.

Claims 16 and 23 are rejected for the same reasons as discussed above with respect to claims 1 and 2. Furthermore, Goldstein et al. teaches translating the dialed number to a network address in response to terminating the call at the packet switch device (col. 5, lines 3-16 - *where Goldstein discussed translating dialed number and routing functions, the path 117 represents switch and trunk termination can be implemented as an IP connection VOIP, etc., hence it is inherent that translating the dialed number to a network address in response to terminating the call at the packet switch device*).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 5-10, 12-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein et al. (U.S. Patent 7,042,999) in view of Chu et al. (2005/0068942).

As to claims 5-6, 13-15, and 19, Goldstein et al. does not teach the packet switch device is session initiation protocol compliant.

Chu et al. teaches the packet switch device is session initiation protocol compliant (par. [0002], [0051] -[0052]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that SIP protocol is well known in packet switching and the advantage of using it is also well known in setting up call messaging.

As to claims 7 and 18, Chu et al. teaches the packet switch device is a packet gateway (par. [0078]).

As to claims 8 and 17, Chu et al. teaches the packet switch device is a softswitch (par. [0009]).

As to claim 9, Chu et al. teaches the packet switch device is a packet telephone (Fig. 8, IP phone 606).

As to claim 10, Chu et al. teaches the packet switch device is a PSTN switch with an interface to a packet network (Fig. 13, PSTN gateway 1302).

As to claims 12 and 20, Chu et al. teaches the network address / Internet protocol address is associated with a packet switch device (par. [0031]).

### ***Conclusion***

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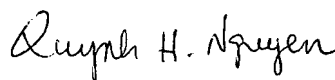
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akinpelu et al. (US Patent 5,475,749) teaches connections between a toll network and multiple local networks.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Quynh H. Nguyen**  
**Primary Examiner**  
**Art Unit 2614**